

March 9, 1995

CRIMINAL JUSTICE — C.S.S.B. 15

FINANCE — S.B. 11

SENT TO COMPTROLLER

(March 9, 1995)

S.B. 4

SENT TO GOVERNOR

(March 9, 1995)

S.C.R. 76

S.C.R. 83

S.B. 192

THIRTY-FIFTH DAY

(Monday, March 13, 1995)

The Senate met at 1:00 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Bivins, Sims.

A quorum was announced present.

Senate Chaplain, the Reverend John R. Pitts, Rector, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Mighty God, we come before You recognizing the love and care You have for each of us and the many things which You have accomplished in our lives. Use us this day as Your servants and as servants of the people of Texas to do Your will and to pass legislation which is best for this state. As we are about this business, may we be comforted knowing that we and each member of our families are in Your divine care. We also ask that You bring about not only unity of purpose but also unity of spirit in this place. We ask all of this with the knowledge of Your love. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 9, 1995, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

On motion of Senator Truan, Senator Bivins was granted leave of absence for today on account of important business.

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

MESSAGE FROM THE HOUSE

House Chamber
March 13, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.C.R. 33, Rejecting the suggestion by the U.S. Fish and Wildlife Service that it has failed to manage its resources in the Ogallala Aquifer in an environmentally conscious manner.

H.B. 1219, Relating to the handling and quarantine of certain animals; providing a penalty.

H.B. 1089, Relating to the continuation and functions of the Texas Workers' Compensation Commission; providing penalties.

H.B. 1090, Relating to the continuation and functions of the Texas Workers' Compensation Insurance Fund.

H.B. 1091, Relating to the consolidation of the Texas Workers' Compensation Research Center and the Legislative Oversight Committee for workers' compensation and to the functions of the new entity.

Respectfully,

Cynthia Gerhardt, Chief Clerk
House of Representatives

BILLS AND RESOLUTIONS SIGNED

The President announced the signing of the following enrolled bills and resolutions in the presence of the Senate after the captions had been read:

S.C.R. 7	S.C.R. 48	S.C.R. 72
S.C.R. 34	S.C.R. 49	S.C.R. 73
S.C.R. 40	S.C.R. 51	S.C.R. 81
S.C.R. 42	S.C.R. 63	S.B. 181
S.C.R. 43	S.C.R. 69	S.B. 509
S.C.R. 47	S.C.R. 71	H.C.R. 90

MESSAGE FROM THE STATE BAR OF TEXAS

The following Message from the State Bar of Texas was read and was referred to the Committee on Nominations:

STATE BAR OF TEXAS

Austin, Texas
March 9, 1995

TO THE SENATE OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect
to the following appointment:

TO BE A MEMBER OF THE COMMISSION ON JUDICIAL CONDUCT
for a term to expire November 19, 1999:

Mr. Jack Pasqual
Law Offices of Jack Pasqual
105 South St. Mary's Street, Suite 900
San Antonio, Texas 78205-2893

Mr. Pasqual will be replacing Charles Smith of San Antonio, whose
term expired.

Respectfully submitted,
/s/James L. Branton
President

PROCLAMATIONS FROM THE GOVERNOR

The following Proclamations from the Governor were read and were
filed with the Secretary of the Senate:

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF
REPRESENTATIVES OF THE SEVENTY-FOURTH LEGISLATURE,
REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I,
George W. Bush, Governor of the State of Texas, submit the following
emergency matter for immediate consideration by the 74th legislature, now
convened:

Legislation necessary to make emergency appropriations from
the waste tire recycling fund to the Texas Natural Resources
Conservation Commission for the fiscal year ending
August 31, 1995.

IN TESTIMONY WHEREOF, I have hereunto signed my name
officially and caused the Seal of the State to be affixed hereto at my office
in the City of Austin, on this the 8th day of March, 1995.

/s/George W. Bush
Governor of Texas

ATTEST:

/s/Antonio "Tony" O. Garza, Jr.
Secretary of State

P R O C L A M A T I O N
BY THE
GOVERNOR OF THE STATE OF TEXAS

TO ALL TO WHOM THESE PRESENTS SHALL COME:

TO THE MEMBERS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION:

Pursuant to Article III, Section 5, of the Texas Constitution, I, George W. Bush, Governor of the State of Texas, submit the following emergency matter for immediate consideration by the 74th legislature, now convened:

Legislation necessary to distribute certain state funds appropriated for education and certain statewide retirement systems.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of the State to be affixed hereto at my office in the City of Austin, on this the 9th day of March, 1995.

/s/George W. Bush
Governor of Texas

ATTEST:

/s/Antonio "Tony" O. Garza, Jr.
Secretary of State

ORDERED NOT PRINTED

On motion of Senator Cain and by unanimous consent, the committee report of **S.B. 971** was ordered not printed.

SENATE CONCURRENT RESOLUTION 87

Senator Brown offered the following resolution:

S.C.R. 87, Memorializing the Congress of the United States to increase federal funding for research relating to chronic fatigue syndrome.

The resolution was read.

On motion of Senator Brown and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Nelson was recognized and introduced to the Senate her husband, Michael, and their children, Brian, Elizabeth, Christina, Michelle, and Jennifer.

The Senate welcomed its guests.

(Senator Sibley in Chair)

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate a delegation from Laredo, Webb County.

Senator Zaffirini also introduced to the Senate Representative Henry Cuellar and former Representative William N. Hall, Jr., who were seated in the gallery.

The Senate welcomed its guests.

(Senator Truan in Chair)

CAPITOL PHYSICIAN

Senator Wentworth was recognized and presented Dr. Stanley M. Woodward of New Braunfels as the "Doctor for the Day."

The Senate welcomed Dr. Woodward and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

(President in Chair)

CONCLUSION OF MORNING CALL

The President at 1:13 p.m. announced the conclusion of morning call.

**SENATE CONCURRENT RESOLUTION 78
ON SECOND READING**

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 78, Directing the Texas Department of Transportation to monitor the work of the Land Transportation Standards Subcommittee and related working groups.

The resolution was read second time and was adopted by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 336 ON SECOND READING**

On motion of Senator Rosson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 336, Relating to notice and cure provisions required for a defaulting purchaser under a contract for deed; and to requirements for and loans associated with a contract for deed transaction in certain counties.

The bill was read second time.

Senator Rosson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 336** as follows:

1) Delete Section 5.094(a)(2) (committee printing page 3, lines 40 and 41) and insert in lieu thereof the following:

(2) copies of all restrictive covenants, easements and other documents which encumber or affect title to the real property; and

2) Delete Section 5.096(2) (committee printing page 4, lines 46 through 51) and insert in lieu thereof the following:

(2) prohibits the purchaser from pledging the purchaser's interest in the property as security to obtain a loan to place residential improvements, including without limitation utility improvements and fire protection improvements, on the property.

3) Delete Section 5.098 (committee printing page 5, lines 20 through 34) and renumber remaining sections appropriately.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 336 ON THIRD READING

Senator Rosson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 336 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Bivins, Sims.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Ratliff was recognized and introduced to the Senate Danley and Haley Cornyn, serving as Honorary Senate Pages today. Danley and Haley are the daughters of Justice John Cornyn III of the Supreme Court of Texas and his wife, Sandy.

The Senate welcomed its guests.

SENATE BILL 11 ON SECOND READING

Senator Zaffirini asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

S.B. 11, Relating to the transfer of Texas A&M International University from The Texas A&M University System to The University of Texas System and to changing the name of that university.

There was objection.

Senator Zaffirini then moved to suspend the regular order of business and take up **S.B. 11** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Ratliff, Rosson, Shapiro, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Patterson, Turner, Wentworth.

Absent-excused: Bivins, Sims.

The bill was read second time.

Senator Zaffirini offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 11** in the following manner:

1. Substitute the following for SECTION 5:

SECTION 5. CONTRACTS AND WRITTEN OBLIGATIONS.

(a) Contracts and written obligations of every kind and character, including bonds, entered into by the board of regents of The Texas A&M University System for and on behalf of The University of Texas-International are ratified, confirmed, and validated.

(b) Gift and donation agreements of every kind and character entered into by the board of regents of The Texas A&M University System for and on behalf of The University of Texas-International, and gift and donation agreements of every kind and character entered into by The University of Texas-International, are ratified, confirmed, and validated.

(c) In those contracts, gifts and written obligations, the board of regents of The University of Texas System is substituted for and stands and acts in the place of the board of regents of The Texas A&M University System.

(d) The board of regents of The University of Texas System is authorized and directed to enter into an agreement with the board of regents of The Texas A&M University System agreeing to make payments to The Texas A&M University System at the times and in the amounts equal to the debt service coming due on the obligations issued by the board of regents of The Texas A&M University System for the benefit of and attributable to The University of Texas-International. The obligation of the board of regents of The University of Texas System under such agreement shall be on a parity and of equal dignity with the obligations issued under its systemwide revenue financing system. The board of regents of The University of Texas System shall also agree to such provisions as are necessary to assure that the board of regents of The Texas A&M University System does not violate any covenants made in proceedings authorizing obligations by virtue of actions taken or failed to have been taken by The University of Texas System.

2. Add the following as SECTION 10 and renumber existing SECTIONS accordingly:

SECTION 10. Section 55.1714(a), Education Code, is amended to read as follows:

(a) In addition to the authority granted by Sections 55.13, 55.14, 55.17, 55.172, 55.1712 and 55.19 of this code, the board of regents of The University of Texas System may acquire, purchase, construct, improve, renovate, enlarge, or equip property, buildings, structures, facilities, roads, or related infrastructure for the following institutions to be financed by the

issuance of bonds in accordance with this subchapter, including bonds issued in accordance with its systemwide revenue financing program and secured as provided by that program, in aggregate principal amounts not to exceed the following amounts:

- (1) The University of Texas at Brownsville, \$23.5 million;
- (2) The University of Texas at El Paso, \$23 million;
- (3) The University of Texas-Pan American, \$26 million;
- (4) The University of Texas at San Antonio, \$63.5 million;
- (5) The University of Texas Health Science Center at San Antonio, \$25 million; [and]
- (6) The University of Texas at Austin, \$2 million; and
- (7) The University of Texas-International, \$36 million.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTES

Senators Patterson, Turner, and Wentworth asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 11 ON THIRD READING

Senator Zaffirini moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Ratliff, Rosson, Shapiro, Sibley, Truan, West, Whitmire, Zaffirini.

Nays: Patterson, Turner, Wentworth.

Absent-excused: Bivins, Sims.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Patterson, Turner, and Wentworth asked to be recorded as voting "Nay" on the final passage of the bill.

(Senator Montford in Chair)

(President in Chair)

SENATE BILL 433 ON SECOND READING

On motion of Senator Ellis and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 433, Relating to the authority of a county to establish a juvenile curfew in all areas of the county; providing a penalty.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 433**, SECTION 2, Section 370.002, by inserting a new Subsection (f) to read as follows:

(f) This section expires September 1, 1997.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 433 ON THIRD READING

Senator Ellis moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 433** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Armbrister, Barrientos, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Henderson, Leedom, Shapiro.

Absent-excused: Bivins, Sims.

The bill was read third time and was passed by the following vote: Yeas 26, Nays 3. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 128 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 128, Relating to certain evidentiary and procedural privileges and requirements for certain criminal cases.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 128** by deleting Section 4 of the bill and inserting in lieu thereof the following:

SECTION 4: Subchapter B, Chapter 41, Government Code, is amended by adding Section 41.110 to read as follows:

Sec. 41.110. TRAINING RELATED TO FAMILY VIOLENCE. The Court of Criminal Appeals shall adopt rules regarding the training to prosecuting attorneys relating to cases involving a charge that a person committed an act of family violence as defined by Section 71.01, Family Code.

The amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 128 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 128** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: Bivins, Sims.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0. (Same as previous roll call)

GUESTS PRESENTED

Senator Whitmire was recognized and introduced to the Senate a group of hearing-impaired students from Houston Community College and their instructor, Shirley Pacetti.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Haywood was recognized and introduced to the Senate Jacklyn and Cameron Cargill of Pampa, serving today as Honorary Senate Pages. Jacklyn and Cameron are the niece and nephew of Representative Warren Chisum.

The Senate welcomed its guests.

CONGRATULATORY RESOLUTIONS

S.R. 420 - By Truan: Congratulating the members of the Academic Decathlon Team from Sinton High School who won first place in the small schools division of the Academic Decathlon.

S.R. 421 - By Ellis: Commending Harry Gee, Jr., a Houston Metropolitan Transit Authority Board member, for his leadership and civic responsibility.

S.R. 422 - By Cain: Congratulating Mr. and Mrs. Ralph Lucas of Tyler on the occasion of their 50th wedding anniversary.

S.R. 423 - By Cain: Congratulating Mr. and Mrs. James Redwine, Sr., on the occasion of their 50th wedding anniversary.

S.R. 424 - By Cain: Congratulating Mr. and Mrs. Don Stephens on the occasion of their 50th wedding anniversary.

RECESS

On motion of Senator Truan, the Senate at 1:56 p.m. recessed until 9:00 a.m. tomorrow, in honor of the birthdays of former governors of the

State of Texas: Peter Hansbrough Bell, March 11, 1810; Wilbert Lee "Pappy" O'Daniel, March 11, 1890; George Tyler Wood, March 12, 1795; and Richard Coke, March 13, 1829.

APPENDIX

REPORTS OF STANDING COMMITTEE

The following committee reports were received by the Secretary of the Senate:

March 9, 1995

STATE AFFAIRS — S.J.R. 1 (Amended), C.S.S.B. 20, S.B. 473 (Amended), S.B. 832 (Amended), C.S.S.B. 246, C.S.S.B. 438, S.B. 1018

March 10, 1995

STATE AFFAIRS — C.S.S.B. 697

SIGNED BY GOVERNOR

(March 9, 1995)

S.C.R. 24

S.C.R. 35

S.C.R. 64

S.C.R. 66

S.C.R. 68

H.C.R. 8

H.C.R. 56

H.C.R. 60

H.C.R. 62

H.C.R. 103

H.C.R. 111

SENT TO GOVERNOR

(March 13, 1995)

S.B. 4

THIRTY-FIFTH DAY

(Continued)

(Tuesday, March 14, 1995)

AFTER RECESS

The Senate met at 9:00 a.m. and was called to order by the President.